

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

The Patriot Law Firm Corporation, and  
Atkinson, Watkins & Hoffman, LLP,

Case No. 2:23-cv-01673-CDS-EJY

**Order Granting Plaintiffs / Lien Claimants'  
Request for Attorneys' Fees and Costs**

Plaintiffs / Lien Claimants

v.

Jesse Castillo

Defendant / Lien Respondent

The Court previously determined that defendant / lien respondent, Jesse Castillo, improperly removed this case (ECF No. 11) because he is the plaintiff who commenced his action in the state court. Castillo's removal also delayed a previously scheduled state court hearing. Castillo's improper removal has, in turn, necessitated an unnecessary expenditure of resources by plaintiffs / lien claimants. *See* ECF No. 7 at 9. Accordingly, I grant plaintiffs / lien claimants' request for attorney fees and costs pursuant to 28 U.S.C. § 1447(c).

**I. Discussion**

On November 21, 2023, I granted plaintiffs / lien claimants motion to remand and motion for attorneys' fees after finding that Castillo had improperly removed this action. ECF No. 11. On December 13, 2023, plaintiffs / lien claimants submitted their first proposed order for attorney fees and costs. ECF No. 13. That request for attorney fees and costs totaled \$5,000.00. *Id.* at 2. However, because plaintiffs / lien claimants failed to include supporting documentation from which the court could determine whether the requested amount is reasonable, I denied the first proposed order without prejudice and ordered counsel to re-submit it with supporting documentation. ECF No. 14; *see Hensley v. Eckerhart*, 461 U.S. 424, 433–34, 437 (1983) (the prevailing party bears the burden of proving that the amount sought is reasonable).

On January 4, 2024, counsel timely filed a new proposed order with proper supporting documentation. ECF No. 16. However, the total in the second proposed order is \$6,990.00. *Id.* at 2. Though counsel expresses that this amount is limited to work on this action through entry of the court's November 21, 2023 order, it does not explain the \$1,990.00 fee increase. *See generally id.*

Under 28 U.S.C. § 1447I, a removal order may award “payment of just costs and any actual expenses, including attorney fees” that a party incurred as a result of an improper removal. Courts have “a great deal of discretion and flexibility” to issue attorney fees under 28 U.S.C. § 1447(c). *Sokola v. Weinstein*, 2020 WL 3605578, at \*18 (S.D.N.Y. July 2, 2020) (quoting *Martin v. Franklin Cap. Corp.*, 546 U.S. 132, 138-39 (2005)). “Absent unusual circumstances, courts may award attorney’s fees under § 1447(c) only where the removing party lacked an objectively reasonable basis for seeking removal. Conversely, when an objectively reasonable basis exists, fees should be denied.” *Martin*, 546 U.S. at 141 (internal citations omitted). Furthermore, in reaching my final disposition of attorney’s fees and costs, I am expected to provide “a concise but clear explanation of its reasons for the fee award.” *Hensley*, 461 U.S. at 437.

Here, while the invoice total is \$6,990.00 (Invoice, ECF No. 15-5), I cannot reconcile the \$1,990.00 fee increase between the first and second proposed order. Upon reviewing Fed. R. Civ. P. 54(d)(2)(B) and the factors set forth in LR 54-14, including the Court’s own observation of the quality of the filings, as well as the experience, reputation, and ability of the attorneys for plaintiffs / lien claimants, and supporting documentation, I hereby awards plaintiffs / lien claimants the reasonable sum of \$5,000.00 as attorneys’ fees against Castillo.

## II. Conclusion

The Clerk of Court is therefore ordered to enter an order granting attorneys’ fees and costs in the amount of \$5,000 to plaintiffs / lien claimants, The Patriot Law Firm Corporation, and Atkinson, Watkins & Hoffman, LLP.

Dated: March 6, 2024

  
Cristina D. Silva  
United States District Judge